

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

664D0208

SENATE BILL NO. 61

Introduced by: Senators Albers, Madden, and Vitter and Representatives Hennies, Apa, and Engbrecht

1 FOR AN ACT ENTITLED, An Act to revise the elements of the crimes of vehicular homicide
2 and vehicular battery.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-16-41 be amended to read as follows:

5 22-16-41. Any person who, while under the influence of an alcoholic beverage, any
6 controlled drug or substance, marijuana, or a combination thereof, without design to effect death,
7 operates or drives a motor vehicle of any kind in a negligent manner and thereby causes the death
8 of another person, including an unborn child, is guilty of vehicular homicide. Vehicular homicide
9 is a Class 3 felony. In addition to any other penalty prescribed by law, the court may also order
10 that the driver's license of any person convicted of vehicular homicide be revoked for a period
11 of two years subsequent to release from incarceration.

12 Section 2. That § 22-16-42 be amended to read as follows:

13 22-16-42. Any person who, while under the influence of an alcoholic beverage, any
14 controlled drug or substance, marijuana, or a combination thereof, without design to effect
15 serious bodily injury, operates or drives a motor vehicle of any kind in a negligent manner and
16 thereby causes the serious bodily injury of another person, including an unborn child, is guilty

1 of vehicular battery. Vehicular battery is a Class 4 felony. In addition to any other penalty
2 prescribed by law, the court may also order that the driver's license of any person convicted of
3 vehicular battery be revoked for a period of two years subsequent to release from incarceration.